



IN THE UNITED STATES DISTRICT COURT  
FOR THE Eastern DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 1:22cv00893  
(To be supplied by the Clerk U.S. District Court)

Please fill out this complaint form completely. The court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

1. (a) Laddarion Johnson  
(Name)
- (b) 1524146  
(Inmate Number)
- (c) Sussex II State Prison  
24427 Mussellwhite Dr.  
Waverly, VA 23891  
(Address)

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such change, this action may be dismissed.

B. Defendant (s):

Plaintiff is advised that only persons acting under color of state law are proper defendants under section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment.

Private parties such as attorneys and other inmates may not be sued under section 1983. In addition, liability under section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens and sheriffs are not liable under section 1983 just because they supervise persons who may have violated your rights. These persons are liable only if they were personally involved in the alleged deprivation. In addition, prisons, jails, and departments within an institution are not persons under section 1983.

1. (a) Tracey Stone  
(Name)
- (b) Counselor  
(Title/job description)
- (c) Baskerville Correctional Center  
4150 Hayes Mill Rd.  
Baskerville, VA 23915  
(Address)

2. (a) Gloria Robinson  
(Name)
- (b) CHAPS / Chief of Housing Program  
(Title/job description)
- (c) Baskerville Correctional Center  
4150 Hayes Mills Rd.  
Baskerville, VA 23915  
(Address)
3. (a) L. B. Walker  
(Name)
- (b) Operations Manager  
(Title/job description)
- (c) Baskerville Correctional Center  
4150 Hayes mill Rd.  
Baskerville, VA 23915  
(Address)

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide an address for defendant(s) in order for the court to serve the complaint. If plaintiff does not provide an address for a defendant, that person may be dismissed as a party to this action.

In addition, plaintiff MUST provide a copy of the completed complaint and any attachments for EACH defendant named.

## II. PREVIOUS LAWSUITS

A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment?

Yes [ ] No [☒]

B. If your answer to A is YES: You must describe any lawsuit, whether currently pending or closed, in the space below. [If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.]

N/A

### 1. Parties to previous lawsuit:

Plaintiff(s) N/A

Defendants(s) N/A

### 2. Court [if federal court, name the district; if state court, name the county]:

N/A

# Defendant(s) Continuation Form

- (a) Debra Wynn  
(Name)
- (b) Unit Manager  
(Title/Job description)
- (c) Bashevville Correctional Center  
4150 Hays Mill Rd.  
Bashevville, VA 23915  
(Address)

3. Date lawsuit filed: N/A

4. Docket number: N/A

5. Name of judge to whom case was assigned: N/A

6. Disposition [Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?]:

N/A

### III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place?

Baskerville Correctional Center

4150 Hayes Mill Rd. Baskerville, VA 23915

B. Does the institution listed in A. have a grievance procedure? Yes ☒ No ☐

C. If your answer to B. is YES:

1. Did you file a grievance based on this complaint? Yes ☒ No ☐

2. If so, where and when: At Baskerville Correctional Center,  
on or about MAY 12, 2022

3. What was the result? The results where that I filed my  
Grievance to late, "Expired Filing Period".

4. Did you appeal? Yes ☒ No ☐

5. Result of appeal: Regional Ombudsman's decision was,  
That "The decision made by the Grievance Department  
was being upheld in accordance with operating Procedure 86b.1, offenders <sup>Grievance</sup>  
Grievance Procedure.

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities?

Yes ☒ No ☐

If your answer is YES: What steps did you take? I've spoke with the active  
warden at the time which is Mr. David Zook he referred me to operations  
manager ms. L.B. walker she claimed that if I felt something was wrong write  
it up and then she walked off on me an I don't understand how this situation is not  
founded because the same exact situation happened to me recently an in that situation my Grievance was founded.

E. If your answer is No, explain why you did not submit your complaint to the prison authorities.

N/A

## IV. STATEMENT OF THE CLAIM

[State here as briefly as possible the facts of your case. Describe how each defendant is involved and how you were harmed by their actions. Also include the names of any other persons involved, dates and places of events. You may cite constitutional amendments you allege were violated, but DO NOT give any legal arguments or cite any cases or statutes. If you intend to allege several related claims, number and set forth each claim in a separate paragraph.]

First I would like to state here that in this case here I have complained time after time also written complaint after written complaint I even filed regular Grievances, and in doing so I've made copies of it all, but in the year 2020 on or about 6/23/2020 I have had a annual review done which these type of reviews are done on a yearly basis at or on about the same day or month you have been received into the Department of Corrections receiving facility now my annuals are done in June of every year now in the year 2020 my annual was done by Counselor Tracey Stork in which it was done extremely wrong and in her doing my annual review wrong. I've lost a tremendous amount of time in which my release date changed dramatically now to give you a little inside scoop on how things suppose to be handled it goes like this every annual review you start your annual with 100 points and depending on how you did within the 12 months leading up to your review you get scored which means for charges you deduct points such as every 100 series you deduct 20 points? every 200 series you loses 10 points to on at the end of scoring you get your total and according to operating procedure 830.3 that final score is what your Good time level will be then you take whatever your Good time level is and you add that to your Security level score sheet to determine if your security level goes up, goes down or remain the same. Now in my case that didn't happen all rules were set aside while doing my annual score & Good time, during the 12 month period leading up to my annual I incurred 2 charges which were a 111B on 1-14-2020 & 243 on 8-28-2019 which the 111B only takes 20 point away from the 100 points I start with which leaves me 80 points? the 243 only deducts 10 points which leaves me with 70 points total at the end of my Good time Scoring/GCA Scoring but with me not having the knowledge of bad things suppose to work at that particular time she took advantage of my weakness and instead of giving me my 70 points she took 70 points and left me with 30 points and how she did so was I start with 40 points for infractions 40 points for Re-entry Plan-Annual Goals & 20 points for work what she did was deducted 30 points from the 40 points for infractions which leaves me with 10 points for infractions which is correct then she took my Full 40 points for Re-entry Plan-Annual Goal which leaves me with 0 points for Re-entry Plan-Annual Goals & Give me 20 points for work because I had a job working for the kitchen & V-Dut which after totaling things up that leaves me with 30 points total which leaves me with a Good time Earning level of a level 4 which means I earn nothing I'm doing Day For Day Now according to operating procedure 830.3 Page 4 of 14 D.3 a- offenders should not be penalized for unavailability of educational, Program, vocational, or work opportunities if the offender can document

(Attach additional sheets if necessary)



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Consistent, reasonable efforts to achieve the goal, in which I have documents showing I was waitlisted/Pending Substance Abuse<sup>12 step</sup> on or about 6/9/2020 also I was waitlisted/Pending Substance Abuse Cognitive Behavioral Interventions For Substance Abuse on or about 7/20/2020 but due to covid-19 concerns any and all programs, Educational, Vocational? even work was stopped due to this natural pandemic I had no control over so with that being said under operating procedure 830.3 I should've been awarded my Full 40 points under Re-entry Plan-Annual Goals which would've gave me a total of 70 points which would've made me a level 2 Goodtime/GCA but no she scored me with a Recommendation of a GCA 4 with 30 point and a security level 2 with 15 points on my security level score sheet. And after she scores me she then send or fax the Recommendation to the unit manager Debra Wynn who then looks over what she ms Tracey Stone has done to make sure its done properly but of course we can tell they all turned a blind eye and just agreed to the recommendation because ms Debra Wynn had a chance to right ms Stones wrong but instead they all work together on just doing what they want to offenders so all ms Debra Wynn did was reviewed it and approved for my class level to be changed to a level 4 thats when my GCA Recommendation still has a chance to be fixed and everyones wrongs can be corrected why because my GCA then goes in front of ms Gloria Robinson Chief of Housing Programs to be Administrative Review and she has the power to say you know what everything yall have done is incorrect so im gone correct it but instead she also went with what every body else said and did she approved for my GCA level to be changed to a level 4 And by the way ms Tracey Stone made her Recommendation on or about 6/10/2020 then it was FAX or sent to ms Debra Wynn who then made her decision by approving ms Tracey Stone Recommendation on or about 6/15/2020 then ms Debra Wynn Fax or sent my Recommendation to be Administrative Reviewed by ms Gloria Robinson who then and also approved the decisions made by ms Tracey Stone and ms Debra Wynn on or about 6/22/2020 and then after all has made their institutional approvals it was sent to Richmond where it awaits its last and final decision on whether or not they will approve

(Attach additional sheets if necessary)

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Of all decisions made by the Classification Authority there at Baskerville Correctional Center in which 9 times out of 10 they in Richmond will approve and deduct any time they can deduct because of the Good time earning level being changed also because they think that the decisions made during my annual review is accurate. Fast Forward approx. 2 years later I've studied the revised operating Procedure 830.3 also learned how your institutional Classification Hearing/Annual review suppose to go. on upon finding I went back and noticed that they've made multiple errors during my 2020 annual review also my 2021 annual review, so I then start writing complaints & Grievances on these matters I started with my 2021 annual review which they made errors on that annual 1 year prior to my findings after writing it up and speaking with warden David Zook Assistant warden Robert Whitt & operations manager Linda B. Walker at first they denied any wrong doing but I stayed persistent then one day my Grievance came back as founded so they fixed all the wrongs and mistakes they've made during my annual 1 year prior to my findings, but the same mistakes & errors happened during my annual 2 years prior to my findings and I took all the necessary steps on all the same steps to have my time replaced in the 2021 Annual review situation but they denied all complaints & Grievances I've wrote the regional ombudsman who also agree with the Baskerville staff which its in black & white its the operating procedures and they are not honoring none of them what so ever. I've spoken to warden Zook who claim he was gone look into it never heard back from him. Assistant warden Robert Whitt claimed he was or use to be a unit manager and was gone let me know something never heard back from him also I've wrote operations manager ms. Linda Walker about this matter and she claim expired filing period. How when I just sent and wrote you on and about a similar situation that was a year later and that Grievance was founded and you gave me back all my time I ask also I've spoken with Chief of Housing Program ms Gloria Robinson about this matter she said whatever what I do I'll never get that time back and she hope I don't get it back also after writing the regional ombudsman ms. Sequia Moore-willis she claim to follow the same decision made by the Intake. Now I've lost months on top of months with my family I'm mentally stressed, what they did is a mistake they know it look at operating Procedure 830.3 you can't make chicken soup with chicken feathers. Which violates my 14 Amendment

(Attach additional sheets if necessary)

Chicken  
Feathers.

(Due Process)

## V. RELIEF

I understand that in a section 1983 action the court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for writ of habeas corpus if I desire this type of relief.

LJ [please initial]

The plaintiff wants the court to: [check those remedies you seek]

☒ award money damages in the amount of \$ \$150,000

☒ grant injunctive relief by Order Department of Corrections to

Create an alternative procedure so that after

administrative reviews have an outside department/agency to form a second review to prevent

☒ Other I Demand A Jury Trial

Future error

## VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date (s) of transfer. Provide an address for each institution.

Baskerville Correctional Center, 4150 Hayes mill Rd. Baskerville, VA 23915

Transferred on 6-6-2022 TO: Sussex # State Prison

24427 Mussellwhite Dr. Waverly, VA 23891

## VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636 (C), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

DO YOU CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE: Yes [ ] No [☒]

You may consent at any time; however, any early consent is encouraged.

## VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 17 day of July, 2022

Plaintiff

Rachlexion Johnson  
(SIGNATURE)